

# HOUSE BILL 736

L1, L3

6lr0475

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By: **Delegates Tarlau, D. Barnes, Barron, Chang, Ebersole, Fennell, Frick, Frush, Glenn, Hornberger, C. Howard, Jackson, Kaiser, Kelly, Korman, Luedtke, A. Miller, Moon, Morales, Patterson, Pena–Melnyk, Platt, Sanchez, Smith, Sydnor, Valderrama, Waldstreicher, M. Washington, and P. Young**

Introduced and read first time: February 5, 2016

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Employment Rights for Local Government Employees**  
3 **– Establishment**

4 FOR the purpose of requiring certain counties and municipal corporations to enact a local  
5 law, on or before a certain date, to authorize collective bargaining between the county  
6 or municipal corporation and a certain employee organization; authorizing certain  
7 counties and municipal corporations to enact a local law to authorize collective  
8 bargaining between the county or municipal corporation and a certain employee  
9 organization; requiring that a local law enacted under a certain provision of this Act  
10 include certain provisions; requiring, under certain circumstances, that a  
11 memorandum of understanding between a charter county and an exclusive  
12 representative binds the charter county for a certain period of time subject to certain  
13 charter provisions; defining certain terms; providing for the construction of this Act;  
14 providing for the application of this Act; and generally relating to employment rights  
15 for local government employees.

16 BY adding to

17 Article – Labor and Employment

18 Section 4–701 through 4–704 to be under the new subtitle “Subtitle 7. Employment  
19 Rights for Local Government Employees”

20 Annotated Code of Maryland

21 (2008 Replacement Volume and 2015 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Labor and Employment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1       **SUBTITLE 7. EMPLOYMENT RIGHTS FOR LOCAL GOVERNMENT EMPLOYEES.**

2       **4-701.**

3           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5           **(B) “EMPLOYEE” DOES NOT INCLUDE:**

6                   **(1) AN APPOINTED OFFICIAL;**

7                   **(2) AN ELECTED OFFICIAL; OR**

8                   **(3) A SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE.**

9           **(C) “EMPLOYER” MEANS A COUNTY OR A MUNICIPAL CORPORATION.**

10           **(D) “EXCLUSIVE REPRESENTATIVE” MEANS AN EMPLOYEE ORGANIZATION**  
11 **THAT HAS BEEN CERTIFIED THROUGH AN ELECTION OR FOR WHICH THERE IS AN**  
12 **INDICATION OF THE MAJORITY SUPPORT OF ELIGIBLE EMPLOYEES TO REPRESENT**  
13 **AND BARGAIN FOR THOSE EMPLOYEES OVER ANY TERMS AND CONDITIONS OF**  
14 **EMPLOYMENT.**

15       **4-702.**

16           **THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE ANY SPECIFIC METHOD,**  
17 **MEANS, OR SCOPE OF BARGAINING BETWEEN AN EMPLOYER AND AN EXCLUSIVE**  
18 **REPRESENTATIVE.**

19       **4-703.**

20           **(A) (1) ON OR BEFORE DECEMBER 31, 2017, EACH EMPLOYER THAT**  
21 **EMPLOYS 20 EMPLOYEES OR MORE SHALL ENACT A LOCAL LAW TO AUTHORIZE**  
22 **COLLECTIVE BARGAINING BETWEEN THE EMPLOYER AND ANY EMPLOYEE**  
23 **ORGANIZATION THAT THE EMPLOYER HAS RECOGNIZED AS AN EXCLUSIVE**  
24 **REPRESENTATIVE OF ITS EMPLOYEES.**

25                   **(2) AN EMPLOYER THAT EMPLOYS FEWER THAN 20 EMPLOYEES MAY**  
26 **ENACT A LOCAL LAW TO AUTHORIZE COLLECTIVE BARGAINING BETWEEN THE**  
27 **EMPLOYER AND ANY EMPLOYEE ORGANIZATION THAT THE EMPLOYER HAS**  
28 **RECOGNIZED AS AN EXCLUSIVE REPRESENTATIVE OF ITS EMPLOYEES.**

29           **(B) A LOCAL LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION**  
30 **SHALL ADDRESS:**

1           **(1) THE RIGHTS OF EMPLOYEES REGARDING COLLECTIVE**  
2 **BARGAINING;**

3           **(2) THE RIGHTS OF THE EMPLOYER REGARDING COLLECTIVE**  
4 **BARGAINING; AND**

5           **(3) THE PROCESSES TO BE USED:**

6                   **(I) FOR AN EMPLOYEE ORGANIZATION TO BECOME AN**  
7 **EXCLUSIVE REPRESENTATIVE;**

8                   **(II) TO DECERTIFY AN EXCLUSIVE REPRESENTATIVE;**

9                   **(III) TO RESOLVE AN IMPASSE IN NEGOTIATIONS; AND**

10                   **(IV) IN RESOLVING DISPUTES INVOLVING THE INTERPRETATION**  
11 **OR APPLICATION OF THE TERMS OF A MEMORANDUM OF UNDERSTANDING.**

12 **4-704.**

13           **(A) THIS SECTION APPLIES ONLY TO A CHARTER COUNTY.**

14           **(B) SUBJECT TO PROVISIONS CONCERNING BUDGETARY AND FISCAL**  
15 **PROCEDURES CONTAINED IN THE EMPLOYER'S CHARTER IF RATIFIED OR APPROVED**  
16 **BY A LEGISLATIVE ENACTMENT OF THE EMPLOYER AND IF SIGNED BY THE CHIEF**  
17 **EXECUTIVE OFFICER OF THE EMPLOYER, A MEMORANDUM OF UNDERSTANDING**  
18 **BETWEEN THE EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE SHALL BIND THE**  
19 **EMPLOYER FOR THE PERIOD OF TIME THAT IS PROVIDED FOR IN THE AGREEMENT.**

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
21 apply only prospectively and may not be applied or interpreted to have any effect on or  
22 application to any collective bargaining laws enacted or collective bargaining agreements  
23 entered into before the effective date of this Act.

24           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2016.